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April 16, 2018

VIA ECF

Honorable I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Rizzuto v. Bill De Blasio, et al.*
17-cv-7381 (ILG) (ST)

Dear Judge Glasser:

The undersigned represents defendants Bill De Blasio, City of New York, and David A. Hansel in the action referenced above. This letter is respectfully submitted on behalf of all named defendants (hereinafter collectively referred to as "Joint Defendants") in response to the plaintiff's request for leave to make a motion to amend his Complaint. *See* Doc. No. 40. As a preliminary matter, the plaintiff has failed to provide a proposed Amended Complaint.

That the Joint Defendants disagree with the recitation of facts contained within the plaintiff's letter is an understatement. These latest accusations, that the Joint Defendants conspired to commit Federal criminal offenses, are frivolous and designed to harass. However, it is the Joint Defendants' position that the plaintiff's request to amend should not be considered by the Court at this time. The parties are currently in the midst of motion practice arising from the necessity of disqualifying the plaintiff's father from acting as his son's attorney in this action due to a conflict of interest. In accordance with the schedule directed by Magistrate Tiscione, the Joint Defendants' motion to disqualify was served on March 30, 2018, but not filed. The plaintiff was given the opportunity to request the disclosure of any documents he deems necessary to oppose this pre-answer motion, and he must identify these documents by April 30, 2018. On May 8, 2018, the parties will appear before Magistrate Tiscione to discuss the plaintiff's document demands.

Whether plaintiff's father must be disqualified from acting as his attorney is an important threshold issue which should be determined before the parties engage in additional motion practice. Indeed, the fact that resolution of the disqualification question is a prerequisite for any further motion practice was discussed at the pre-motion conference before Magistrate Tiscione. *See* Transcript for Civil Cause for Pre-Motion Conference, February 15, 2018, 24:12-20. Your

Honor also agreed that substantive pre-answer motions to dismiss should wait until after the motion to disqualify is decided. *See* Doc. No. 38. The Joint Defendants therefore respectfully request that the plaintiff's request for leave to amend be held in abeyance until the parties receive a ruling with respect to the disqualification issue.

Should Your Honor have any questions or concerns, please do not hesitate to contact the undersigned. Thank you.

Respectfully Submitted,

Barry McTiernan & Moore LLC

s/ Courtney Chadwell
Courtney A. Chadwell

cc:

(by ECF)

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